

Tennessee Advisory Council for the Education of Students with Disabilities



Annual Report
July 2003 – June 2004



Department of Education; March, 2005; Publication Authorization No. 331612; 1,500 copies. This public document was promulgated at a cost of \$ 1.0315 per copy.

Tennessee Advisory Council for the Education of Students with Disabilities

Introduction

According to state and federal guidelines this Advisory Council has responsibility annually to issue a report to the State Board of Education, the Governor and the State Legislature. Additionally, this report will be provided to the Tennessee Department of Education. The information contained in this report represents a period of a school year showing the progress made in programs for children with disabilities. It is the Advisory Council's intention to work with the Department of Education to ensure the provision of appropriate services for children with disabilities throughout the State of Tennessee. This is accomplished through...

- Reporting by the Department to the Council
- Council giving feedback to the Department
- Public input presented to the Council
- Experiences of council members, who represent consumers

Mission Statement

The mission of Tennessee's Advisory Council for the Education of Students with Disabilities is to ensure that all students with disabilities are provided with services and opportunities necessary to develop to their full potential.

Authority

Tennessee's Advisory Council for the Education of Students with Disabilities was established in 1972 and is required by Tennessee Code Annotated 49-10-105. This legislation states that the council "shall advise and consult with the Governor, the Commissioner of Education, the State Board of Education, and the Director of the Division of Special Education."

The Individuals with Disabilities Education Act (IDEA), § 1412(a) (21), requires that the state establish and maintain an advisory panel *for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state*. Regarding duties, the advisory panel shall:

- ❖ *Advise the Department of Education of unmet needs within the state in the education of students with disabilities;*
- ❖ *Comment publicly on any rules or regulations proposed by the state regarding the education of students with disabilities;*
- ❖ *Advise the Department of Education in developing evaluations and reporting data to the U.S. Secretary under Section 618;*
- ❖ *Advise the Department of Education in developing corrective actions plans to address findings identified in federal monitoring reports under this part;*
- ❖ *Advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities; and*
- ❖ *Advise the Department of Education in serving the needs of students with disabilities in adult prisons.*

Tennessee Advisory Council for the Education of Students with Disabilities

COUNCIL GOALS AND DEPARTMENT ACTIVITIES 2003 – 2004

The following are goals established by the Advisory Council for July 2003 – June 2004. The activities described represent actions carried out by the Advisory Council for the Education of Students with Disabilities and the Division of Special Education (DSE) along with the Tennessee Department of Education (TDOE) related to the goals of the Council. Data reflecting the provision of special education and related services throughout the state is reported with associated council goals.

Council Goal 1: Promote improved student learning/progress.

COUNCIL ACTIVITIES

The council was presented information and also received updates concerning the application for and status of grants awarded to the TDOE. Specifically the General Supervision Enhancement Grant (GSEG) and the State Improvement Grant (SIG) which were both designed to (1) improve communication within schools to enhance the school's ability to provide students with the best possible opportunity for learning and (2) adequately track the students to better plan for that student's program, particularly in the areas of literacy and transition. The council also received reports concerning the Continuous Improvement Monitoring Process (CIMP) and the procedures for monitoring school systems.

DEPARTMENT ACTIVITIES

Program information provided to the U.S. Office of Special Education Programs (OSEP) includes special education and related services provided and student progress in general curriculum participation as part of the Individualized Educational Plan (IEP) along with graduation and drop-out rates for children with disabilities as compared to their non-disabled peers. Performance results for children with disabilities on statewide academic achievement tests can be found at: <http://www.k-12.state.tn.us/rptcrd04/state2.asp>.

The Department is developing a system to determine students' progress in early language/communication, pre-reading, and social/emotional skills of preschool children with disabilities receiving special education and related services. Data options will be developed through the General Supervision Enhancement Grant.

High school graduation rates and drop-out rates for children with disabilities compared to non-disabled peers.

Tennessee's graduates have a choice of three (3) different exit documents. There is the high school diploma, the high school certificate and the special education diploma. The high school diploma is awarded to students who (1) earn the specified 20 units of credit or satisfactorily complete an individualized educational program, (2) meet competency test or gateway examination standards, and (3) have satisfactory records of attendance and conduct.

Table 1.1
Percentage of Students who Graduate with a Regular Diploma
(Graduation Rate expressed as a percentage of students exiting)

	2000-01	2001-02	2002-03	2003-04
% of all exiting students receiving a High School Diploma	73.8	75.8	78.1	75.7
% of all students in special education exiting with a High School Diploma	33.4	34.9	34.5	35.3

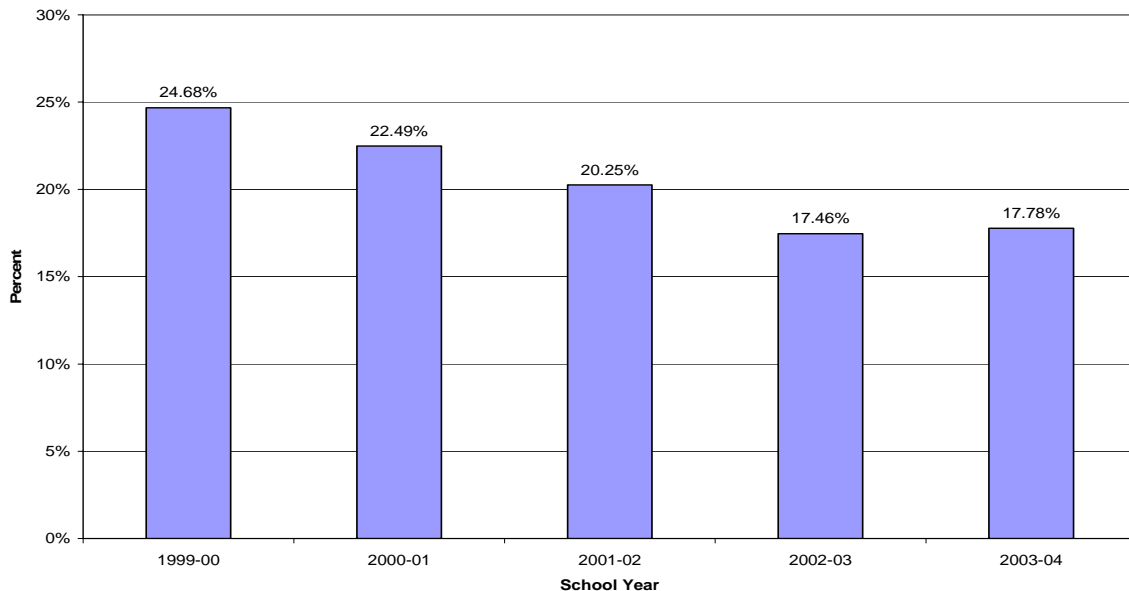
Data source document(s): Tennessee's 2001, 2002, 2003 & 2004 OSEP DANS Table 4 and Tennessee Department of Education, Division of Accountability Roster of Graduates Reports for 2001, 2002, 2003 & 2004 school years.

As shown in Table 1.1 above, the percentages of all students graduating with a high school diploma increased from 2001 to 2003 with a decrease shown for the 2003-2004 school year. The percentages of students in Special Education exiting with a high school diploma has shown a slight increase each year from 2001 to 2004. No Child Left Behind (NCLB) excludes GED completers from being considered as graduates. In Tennessee, children with disabilities who have satisfactorily completed their Individual Education Program, met the competency test or gateway examination standards, and have satisfactory records of attendance and conduct may also receive a regular diploma. During 2003-2004 LEA Monitoring, 11 of 31 systems required improvement on the rate of graduation with a general education diploma for disabled students.

Drop-out rate

For Table 1.2 below, percentages of students dropping out were calculated by dividing the number of students with disabilities 14 years old and older who dropped out by the number of students with disabilities 14 years old and older who graduated with a diploma, received a certificate, reached the maximum age for services, died or dropped out, then multiplying by 100.

Table 1.2
Percent of Tennessee Students with Disabilities Age 14 and Older Dropping Out



Tennessee Advisory Council for the Education of Students with Disabilities

Council Goal 2: Promote expanded access to and quality of services to eligible students with disabilities to better prepare them for transition into their future environments.

COUNCIL ACTIVITIES

TDOE provided updates to the Council regarding several initiatives being undertaken on a pilot basis and funded through the SIG to specifically, as outlined by the grant, focus on literacy and transition for the student. The Council also received updates on the work and progress of the Caseload/Class Size Task Force relating to delivery of quality services to eligible students.

DEPARTMENT ACTIVITIES

Part C 618 Exit Data indicates a continued reduction in the number of children exiting Part C with Part B eligibility determined. A close review of the 618 data collection and reporting in 2003-04 revealed that the data for previous years had included duplication and some Part C personnel were reporting Part B eligibility as presumed, not based on documentation verification of eligibility. A new process was instituted for non-duplication of data and training was provided to personnel related to the requirement to verify Part B eligibility for reporting. Therefore, the 2002-03 data actually provided the “true” baseline data for this area. It is assumed that the continued reduction in the number of children reported as determined for eligible for Part B is a result of the continuing improvement in the accuracy in data reporting.

Table 2.1

	2000-01	2001-02	2002-03	2003-04
Total # of children exiting Part C at age 3	2,595	3,119	2,190	3,923
Total # of children exiting Part C at age 3 who are eligible for Part B services	1,896	2,240	1,508	1,450
Percentage of children who exited Part C at age 3 who were eligible for Part B services	73%	72%	69%	37%

CIMP Monitoring of Local Education Agencies (LEAs):

- * During the 2001-2002 school year, 24 of 34 LEAs monitored required and made improvement in the provision of appropriate services to eligible children by their third birthday;
- * During the 2002-2003 school year, 7 of 34 LEAs monitored required and made improvement in the provision of appropriate services to eligible children by their third birthday; and
- * During the 2003-2004 school year, 17 of 31 LEAs monitored required improvement in transitioning students into school systems at age three. These improvements will be validated in spring 2005.

The percentage of eligible children enrolled in appropriate LEA preschool programs by their third birthday is an important area of concern in Tennessee. Data identifying the means by which these children come into LEAs (i.e. Child Find or early intervention programs) as well as whether or not services were in place by the third birthday requires improvement before this area will be fully analyzed and effective improvement efforts put in place.

LEA Monitoring for appropriate transition planning beginning at age 14 or younger shows that during the 2001-2002 school year, 22 of 43 LEAs monitored required and made improvement in participation of disabled students in post-school planning activities. During the 2002-2003 school year, 17 of 34 LEAs monitored required and made improvement in this area as well. 2003-2004 CIMP Monitoring found no need for Program Improvement Plans (PIPs) in this area.

Tennessee Advisory Council for the Education of Students with Disabilities

Council Goal 3: Promote inclusive education services that meet the needs of all students, regardless of their abilities and promote a sense of belonging and mutual respect for all students while affirming each student's individuality.

COUNCIL ACTIVITIES

Presentations were given concerning the **Closing the Achievement Gap** Workgroup and achievement scores for regular and special education students. The report included information concerning the involvement of the Mid South Regional Resource Center in helping educators more efficiently align the Individualized Educational Plan (IEP) with the general curriculum. The Council received information regarding the use of assistive technology and its role in facilitating the inclusion of students with disabilities.

DEPARTMENT ACTIVITIES

Children with disabilities educated with non-disabled peers to the maximum extent appropriate, including preschool (ages 3-22).

Table 3.1
Settings where children with disabilities receive special education and related services

	Outside Regular Ed Setting Less Than 21%	Outside Regular Ed Setting 21-60%	Outside Regular Ed Setting More Than 60%	Separate Public/ Private School	Public/ Private Residential Setting	Homebound/ Hospital Setting
2001-02 Tennessee	45.00%	35.00%	18.00%	0.90%	0.30%	1.00%
National Baseline	48.00%	28.00%	19.00%	2.90%	0.70%	0.40%
2002-03 Tennessee	44.00%	35.00%	19.00%	1.10%	0.10%	0.90%
National Baseline	48.00%	29.00%	19.00%	2.90%	0.70%	0.50%
2003-04 Tennessee	44.00%	36.00%	18.00%	1.20%	0.20%	0.80%
National Baseline	48.00%	28.00%	19.00%	2.80%	0.70%	0.50%

Data in Table 3.1 (above) for 2000-2004 shows that Tennessee is slightly below the national percentage for students served outside the regular education settings less than 21% of the school day. Tennessee is comparable to the national baseline data for students served outside the regular education setting more than 60% of the school day. It appears as though many students who, in other states, are being served in *separate public schools, *separate private schools, *public residential and *private residential settings are being served only 21-60% of the school day outside the regular education setting.

Data from CIMP Monitoring of LEAs in the area of General Curriculum Participation show that of the 43 LEAs monitored in 2001-2002, 6 required and made improvements in this area and of the 34 LEAs monitored in 2002-2003, 5 required and made improvements in this area. Across the state, school systems continue to improve in the education of disabled students with non-disabled peers. This improvement is evident by the low numbers of PIPs required to address this area. Numerous State approved inclusion sites are in operation across the state and continue to increase. Data gathered in the LEA Comprehensive Plan shows that LEAs who participate in system-wide inclusion of children with disabilities is increasing.

Tennessee Advisory Council for the Education of Students with Disabilities

Table 3.2

	School Year 2001-02	School Year 2002-03	School Year 2003-04
# of LEAs with system-wide inclusion programs	40	47	77

The TDOE provides continued support for the model LRE for LIFE and RISE sites and other inclusive initiatives, making available and providing technical assistance to all LEAs needing this assistance, including:

- * Utilizing model LRE for LIFE and RISE sites for best practice to promote change in all school systems.
- * Inviting all schools to participate in the LRE for LIFE and RISE Projects.
- * Implemented statewide technical assistance to support programming for children having emotional and/or behavioral issues
- * Continued effort to promote inclusion in the general education setting by reviewing general education curriculum at the local level to ensure children with disabilities are included.

Council Goal 4: Promote increased quality and quantity of personnel serving eligible children and youth with disabilities.

COUNCIL ACTIVITIES

The Council was updated on efforts to form collaborative partnerships with higher education to recruit and retain effective educators in the special education field. This was also presented as part of the SIG through emphasis on personnel development.

DEPARTMENT ACTIVITIES

Sufficient numbers of administrators, teachers, related services providers, paraprofessionals, and other providers to meet the identified educational needs of all children with disabilities in the State. Data shows an increase in the number of teachers and other related service personnel serving students with disabilities in Tennessee LEAs each school year.

Table 4.1

	School Year 2000-01	School Year 2001-02	School Year 2002-03	School Year 2003-04
Teachers – Ages 3-5	305	355	388	467
– Ages 6-21	4,747	5,039	4,950	6,029
Other Special Education and Related Services Personnel	7,258	8,085	9,277	8,183
Total	12,310	13,479	14,480	14,660

Data Source: End-of-Year Report for Comprehensive Plan for Providing Special Education Services

Tennessee Advisory Council for the Education of Students with Disabilities

Table 4.2
Teachers without proper licensing

	School Year 2000-01	School Year 2001-02	School Year 2002-03	School Year 2003-04
Waivers	382	335	273	239
Permits	332	366	375	340
Alternative & Interim Licensures	N/A*	N/A*	N/A*	315

*New category 2003-04

Waiver of Employment Standards – Permission granted to a local school system to employ one who holds a valid teaching license but does not have the appropriate endorsement. A waiver may be granted when the school system is unable to obtain the services of a qualified teacher for the type and kind of school in which the vacancy exists.

Permit to Teach – Permission granted to a local school system to employ one who does not hold a valid teaching license when the system is unable to obtain services of a qualified teacher for the type and kind of school in which the vacancy exists.

Alternative and Interim Licensures – Alternative A, B, C & E Licensures are obtained through the TDOE upon meeting all applicable requirements. Interim Licensures are available to teacher interns.

Council Goal 5: Promote adequate special education funding and improving procedures for allocation of funds.

COUNCIL ACTIVITIES

The Council received regular updates on the Caseload/Class Size Task Force. Two Council members also served on this committee. Funding and adequate staffing are ongoing issues and the Council attempts to remain informed in developments in this particular area.

DEPARTMENT ACTIVITIES

As reported in the *Alliance for Systems Change/Mid South Regional Resource Center 2003 State of the Region Report for Tennessee based on data for 1990-2001* there is a much higher number of students with Mental Retardation (MR), Emotional Disturbance (ED) and Multiple Disabilities in the 60% Special Education settings and high to much higher of students in these disabilities categories in the 21-60% Special Education settings, with a lower to much lower number of students in these disabilities categories in less than 20% Special Education settings in Tennessee as compared to national numbers.

The current state funding formula may provide financial incentive for more restrictive placements and programming (*Tennessee IDEA Continuous Improvement Plan, July 2002, Area of Concern XVII.A*). According to findings for the more restrictive placements, more funding is available; **however**, LEAs must contribute additional local funds. Therefore, it is not an incentive to place children in more restrictive settings for the purpose of additional funding.

Table 5.1
FEDERAL FUNDS AVAILABLE FOR THE EDUCATION OF STUDENTS WITH DISBAILITIES

PROGRAM	2000-2001	2001-2002	2002-2003	2003-2004
Source of Funds: Federal				
Individuals with Disabilities Education Act, Part B Grant Funds	\$101,635,101	\$128,733,463	\$154,805,179	\$181,996,487
Individuals with Disabilities Education Act, Preschool Grant Funds	\$7,049,034	\$7,049,034	\$7,049,034	\$7,005,401

Data Source: U.S. Department of Education Grant Award Notification

State Funds (BEP) – Effective July 1, 2002, all state educational funds are distributed under the provisions of the Education Improvement Act accordingly. LEAs are granted flexibility in the use of these funds and no specific dollar amount is earmarked for any program or activity.

The Tennessee Steering Committee determined that Caseload Baseline for Funding was an area that needs continued oversight. Therefore, it has been carried over from Tennessee’s Improvement Plan. The General Assembly mandated that the State Board of Education work with the Department in developing *caseload/class size* “averages” for special education. The Board developed a policy establishing *class sizes* April, 2002, which became effective in the 2003-2004 school year. A task force has been established to review the implementations of this policy and consider recommendations for special education *caseloads*.

Council Goal 6: Promote improved state and local information management related to special education.

COUNCIL ACTIVITIES

The Council received ongoing reports from the Paperwork Reduction Task Force. The Council Chair also served on this committee. Additionally, the Council had a presentation on the GSEG, which will be used to expand the data system and therefore, make data more readily available and user friendly.

DEPARMENT ACTIVITIES

State procedures and practices for ensuring collection and reporting of accurate and timely data.

Tennessee provides LEAs with timelines for data collection with the federal reports web based for those LEAs who have chosen to participate and for others paper reports are submitted. The Department proposed to OSEP a General Supervision Enhancement Grant plan (GSEG) to support the implementation of an effective Continuous Improvement Focused Monitoring System and Improvement Plan at the State level through the development of a new, integrated, student-level, locally-entered, web-based, and state-wide database of IDEA –eligible infants, toddlers, children and youth.

The Department has offered a Statewide Student Management System (SSMS) to Tennessee LEAs with the limited pilot phase implementation beginning during the 2004-2005 School Year. SSMS includes a complete Student Information System (SIS) and an integrated special education module, EasyIEP®. By having one integrated system, data will pass from the SIS to Easy IEP®

Tennessee Advisory Council for the Education of Students with Disabilities

Council Goal 7: Promote enhanced communication among community, educators and stakeholders on special education services and policies.

COUNCIL ACTIVITIES

The Council had several presentations from the community, higher education and parents, including the Tennessee Initiative for Gifted Education Reform (TIGER), the PAVE Project provided through Vanderbilt University and parental input on provisions of instructional services to students with disabilities.

DEPARTMENT ACTIVITIES

The provision of a free appropriate public education to children with disabilities is facilitated through parent involvement in special education services.

- (a) CIMP Monitoring of LEAs: Of 43 LEAs self assessed/monitored in 2001-02 , 9 required and made improvement in this area. During the 2002-03 school year, 12 of 34 of the LEAs self assessed/monitored required and made improvement in this area. Based on refinement of the monitoring process, this increase in the number of LEAs requiring program improvement in this area is not felt to be significant. Of the 31 LEAs monitored during the 2003-04 school year, 14 needed improvement in this area. Validation of these improvements will be completed in the spring of 2005.
- (b) Parent surveys: For the 2001-2002 year, 28 of 43 school systems reported 60 to 70% or more positive responses on the extent of their involvement in their child's special education program and activities. For the 2002-2003 year, of the 34 school systems monitored, 23 of these systems reported 70 to 80% positive responses on the extent of their involvement in their child's special education program and activities.

Parent involvement activities: LEA reporting requirements have been increased in the area of parent involvement. LEAs must now report on their End of Year Report the frequency of contact and the actual numbers of parents to participate in training and how many parents were included.

Complaints: Parental Complaint data continues to be analyzed for trends and increasingly used as a data source for assessing LEA training needs. Complaint logs now contain fields specifically for concerns about Parent Training/ Access to Information. The complaint resolution process is now requiring more specific corrective action plans. The technical assistance offered in that resolution more frequently recommends parent and staff training activities. A new LEA technical assistance manual on Parent Complaints was distributed spring of 2004.

Tennessee Advisory Council for the Education of Students with Disabilities

Part Two STATISTICAL INFORMATION

NUMBER OF STUDENTS WITH A DISABILITY

The table below contains data on numbers of children with disabilities served by the local school systems as of the end of the school year by rank with comparisons of the past four school years.

	School Year 2000-2001	School Year 2001-2002	School Year 2002-2003	School Year 2003-2004
Specific Learning Disability	65,839	64,976	61,276	59,026
Speech or Language Impairment	40,820	41,692	38,906	39,130
Mental Retardation	16,569	16,672	15,983	15,408
Intellectually Gifted	19,224	20,643	19,924	20,282
Other Health Impairment	11,505	11,973	12,420	13,062
Developmental Delay	5,674	6,241	6,457	6,719
Emotional Disturbance	5,219	5,392	5,334	5,232
Other (Functionally Delayed)	3,985	4,107	4,510	4,530
Multiple Disabilities	2,054	2,128	2,119	2,067
Orthopedic/Physical Impairment	1,520	1,346	1,264	1,240
Hearing Impairment	1,245	1,327	1,272	1,247
Autism	1,245	1,507	1,883	2,293
Visual Impairment	878	720	623	671
Deafness	409	382	391	410
Traumatic Brain Injury	312	324	316	323
Blind	210*	205	286	284
Deaf-Blindness	6	6	4	6
TOTAL	<u>176,504</u>	<u>179,641</u>	<u>172,968</u>	<u>171,930</u>

*No data available for TN School for the Blind, 2000-2001

Data Source: End-of-Year Report for Comprehensive Plan for Providing Special Education Services

Note: This is a **cumulative** count of **all** children served in special education during the school year.

Tennessee Advisory Council for the Education of Students with Disabilities

**STATUS OF SERVICE FOR
STUDENTS WITH DISABILITIES
October 2000, 2001, 2002 & 2003
(Reported to State Chancery Court)**

CHILDREN WITH DISABILITIES

	2000	2001	2002	2003
Receiving Appropriate Services				
Receiving full special education/support services	139,952	143,476	144,681	141,530
Enrolled in private program at choice of parent and at parent's expense, with special education services provided by LEA	368	399	523	623
Receiving Less Than Appropriate Services				
Receiving some special education, but less than recommended service	176	75	89	37
Enrolled in school, recommended for special education but not receiving and special education services	190	190	210	257
Not enrolled in any educational program	310	242	240	218
Children Suspected to Have Disabilities				
Referred but not evaluated on October 1	5,128	4,867	3,923	4,139
Evaluated but determined not eligible on October 1	2,807	3,141	2,378	2,040

Note: These numbers are as of October 1, 2000 through 2003 and will not be the same as the End-of-Year figures. The status of service for students with disabilities for October 1, 2004 will be reported in the next annual report.

Data Source: October Report for Chancery Court in the Case of Val Rainey vs. the Tennessee Department of Education.

James Topp	Germantown
Vicki Blanchard	Lenoir City
Mary Beth Brooke	Chattanooga
Paula Brownyard	Jackson
James Burton	Lynchburg
Marci Campbell	Lebanon
Stephanie Faulkner	Nashville
Jeff Finney	Elizabethton
Tim Fite	Atoka
Kyle Hauth	Kingston
Cynthia Higginbotham	Knoxville
Jerry Johnson	Memphis
Lisa McCullough	Spring Hill
Beulah Oldham	Clarksville
Jennifer Partlow	Chapmansboro
Rex Roberts	Nashville
Lynn Sherrod	Johnson City

State of Tennessee
Phil Bredesen, Governor

Department of Education
Lana Seivers, Commissioner

Division of Special Education
Joseph E. Fisher, Assistant Commissioner

Advisory Council for the Education of Students with Disabilities
James Topp, Chair

Division Assistance to Council
Ann Hampton